

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed November 15, 2006 (“Office Action”). At the time of the Office Action, Claims 1-3 and 5-23 were pending in the application. In the Office Action, the Examiner rejects Claims 1-3 and 5-23. Applicant amends Claims 1, 20, and 22. Applicant respectfully requests reconsideration and favorable action in this case.

Section 102 Rejections

The Examiner rejects Claims 1-3, 5-10, 13, 15, 16, and 18-23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0032141 A1 issued to Drattell (“*Drattell*”). Applicant respectfully traverses these rejections for the reasons stated below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); MPEP § 2131 (*emphasis added*). Whether considered alone or in combination with any other cited references, *Drattell* does not disclose, either expressly or inherently, each and every element of Applicant's claims.

Although it continues to be Applicant's position that Applicant's claims are allowable over *Drattell*, Applicant has amended independent Claims 1, 20, and 22 to further clarify Applicant's claims. For example, independent Claim 1 of the present Application, as now amended, recites “providing returns guidelines to a local return agent over a communications link, the returns guidelines for use by the local return agent in making a determination **at a location remote from any return center** as to the eligibility of an item for return.” This combination of features and operations is not disclosed by *Drattell*.

As discussed in Applicant's previous Response to Office Action submitted on September 19, 2006, *Drattell* discloses that the system "provides TRC with a high-level of intelligence to manage efficiently the returns for each retailer thus allowing TRC to ensure compliance with retailer's return policy, prevent fraud, etc." (Page 2, paragraph 22, emphasis added). TRC is an acronym for "the return center" and is described by *Drattell* as "**an outsourced return center**" that "provides a series of locations throughout the customer region of the retailer." (Page 1, paragraph 11). Thus, customers must bring the return item to **a return center location** to "have the return processed at the nearest location." (Page 1, paragraph 5). As such, to the extent that *Drattell* discloses "ensur[ing] compliance with retailer's return policy" (Page 2, paragraph 22), this is done by the "dedicated work-force having expertise in returns processing located in a plurality of individual [TRC] locations near customer locales." (Page 1, paragraph 5)

In the Office Action, the Examiner seems to identify the central system of *Drattell* as being analogous to the return center recited in Applicant's claim. (Office Action, page 8) Additionally, the Examiner identifies the associate at TRC as being analogous to the local return agent recited in Applicant's claim. (Office Action, page 8). However, even if the Examiner's conclusions are correct (which Applicant does not admit), the associate at TRC cannot be said to be analogous to a local return agent "making a determination at a location remote from any return center" since TRC, by definition, is a return center. Accordingly, Applicant respectfully submits that *Drattell* does not disclose, teach, or suggest "providing returns guidelines to a local return agent over a communications link, the returns guidelines for use by the local return agent in making a determination at a location remote from any return center as to the eligibility of an item for return, the local return agent authorized to make the determination on behalf of a merchant," as recited in Claim 1.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claim 1, together with Claims 2-3, 5-10, 13, and 15-19 that depend from Claim 1.

The Examiner also relies on *Drattell* to reject independent Claims 20 and 22. Applicant respectfully submits, however, that *Drattell* does not disclose, teach, or suggest

each and every element of Applicant's independent Claims 20 and 22. For example, Claim 20 recites "a computer system programmed to . . . provide returns guidelines to a local return agent over a communications link, the returns guidelines for use by the local return agent in making a determination at a location remote from any return center as to the eligibility of an item for return, the local return agent authorized to make the determination on behalf of a merchant." As another example, Claim 22 recites "computer product having instructions for . . . providing returns guidelines to a local return agent over a communications link, the returns guidelines for use by the local return agent in making a determination at a location remote from any return center as to the eligibility of an item for return, the local return agent authorized to make the determination on behalf of a merchant." Thus, for reasons analogous to those discussed above with regard to Claim 1, Applicant respectfully submits that Applicant's claims are allowable over *Drattell*.

For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 20 and 22, together with Claims 21 and 23 that depend from Claims 20 and 22, respectively.

Section 103 Rejections

The Examiner rejects Claims 11, 12, and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Drattell* in view of U.S. Patent Application Publication No. 2002/0010634 A1 issued to Roman et al. ("Roman"). The Examiner rejects Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over *Drattell* in view of U.S. Patent Application Publication No. 2002/0019777 issued to Schwab et al. ("Schwab").

Dependent Claims 11, 12, 14, and 17 depend on Claim 1, which Applicant has shown above to be allowable. Additionally, Claims 11, 12, 14, and 17 are patentable because they recite additional features and operations not disclosed, taught, or suggested in the prior art. Since Claims 11, 12, 14, and 17 incorporate the limitations of independent Claim 1, Applicant has not provided detailed arguments with respect to Claims 11, 12, 14, and 17. However, Applicant remains ready to do so if it becomes appropriate. For at least these reasons, Applicant respectfully requests reconsideration and allowance of Claims 11, 12, 14, and 17.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant does not believe any fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

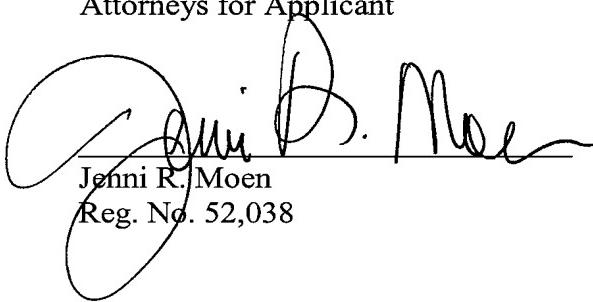
If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney at (214) 953-6809.

Respectfully submitted,

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